



THE CITY OF
CANTON
THOMAS M. BERNABEL, MAYOR

CITY OF CANTON

REVIEW OF POLICE-CITIZEN ENCOUNTERS ON MAY 29, 2020

July 30, 2020

To: Mayor Thomas M. Bernabei

Re: Review of Police-Citizen Encounters on May 29, 2020

At the request of Mayor Thomas M. Bernabei, in my capacity as Director of Public Safety of the City of Canton, I have reviewed the conduct of police personnel and circumstances related to police-citizen contact during a protest organized by the Unity Coalition on May 29, 2020. This report is my response to concerns raised by the community and allegations regarding the use of rubber bullets, the deployment of tear gas and use of military vehicles by the Canton Police Department (CPD). My conclusions and recommendations in this report are based on a thorough review of videos (recovered from body-worn cameras, intersection cameras, publicly accessible social media and additional video footage from protesters), police reports, radio transmissions (audio and transcriptions) and notes from dispatchers and officers. Not only did I review these materials, but I had the benefit of being present in the Emergency Operations Center (EOC) that night from 5:00 PM to 1:00 AM. My perspective was greatly enhanced by personally witnessing the events unfold from start to finish.

Background

The Chief of Canton Police Department became aware of the potential for a protest in Canton on May 29, 2020 at approximately 9:00 AM, when multiple sources shared a social media invitation which read, in part, "THE AMERICAN POLICE FORCE, INFILTRATED BY WHITE SUPREMACY, HAS BEEN BRUTALIZING MARGINALIZED IDENTITIES FOR TOO LONG. SILENCE IS TAKING THE SIDE OF THE OPPRESSOR. IT IS TIME TO FIGHT BACK." On the invitation was the date (May 29) and time (6:00 PM). The protest was being organized in response to the death of George Floyd in Minneapolis, MN. Mr. Floyd was killed by a police officer on May 25, 2020 and video of his arrest and death began circulating almost immediately. Beginning on May 26, a number of anti-police protests took place throughout the country. Many of the protests devolved into violence, looting, and property damage, including the burning of buildings. Along with property damage, several officers in other communities had suffered injuries from protesters throwing projectiles such as rocks and frozen water bottles.

In addition to the social media invitation, police received several tips indicating the potential for violence, including an alert which originated from Steubenville, OH about Todd Matthews, who posted a detailed three-phase plan to kill police and their families through ambushes involving rifles. His social media profile listed Matthews as a resident of Canton. The timing of his post and his relationship to Canton led investigators in Steubenville and Perry Township to believe his threats could be related to the protest. A Sergeant from Perry Township forwarded the information to the CPD Detective Bureau and a bulletin was distributed to all officers to make them aware of the threat. Additional information was received through citizen tips, including a screenshot of a Facebook post from a citizen which read, "Please be careful if you're going to the protest in Canton tonight! Fight the good fight, I just don't want to see any of you get hurt!!" One person responded to that post, "Except for the police. Kill a cop" and another replied "or 6."

The Canton protest was scheduled to take place in front of Key Bank on the east side of Central Plaza. Due to the unrest in other communities and the information received about potential violence, Chief

Angelo was not certain what to expect and felt it was best to prepare for all possible scenarios. At 9:16 AM, the Chief placed the SWAT team on standby and ordered the Special Investigations Unit (SIU) plain-clothes officers to remain on-duty to monitor the crowd size and activity. At 12:52 PM, the Ohio State Highway Patrol (OSHP) sent an email to the Chief and the Stark County Sheriff confirming the possibility of an event at 6:00 PM. The Chief and members of his command staff conducted a conference call with the Stark County Sheriff and others from the Sheriff's Office (SO). The commanders from both agencies discussed topics such as manpower assistance, locations and procedures for processing multiple arrests, security measures for downtown buildings, surveillance and security for the crowd. The Chief also contacted the OSHP and requested that they have troopers ready to respond if needed.

The Protest

The Police Department Emergency Operations Center (EOC) was opened at approximately 5:00 PM. Using cameras covering Central Plaza along with plain-clothes surveillance units, officers were able to confirm that the crowd began to form as expected in front of Key Bank. The bullet points in the following narrative indicate times and updates on the protest based on dispatch records, reports and my own observations via video from the EOC. The notes are not written verbatim as they are only meant to summarize the activity and illustrate key points at specific times.

- 5:45 PM – about 12 people had gathered under the overhang of Key Bank.
- Beginning at approximately 6:00 PM, a rally was held at Key Bank with multiple speakers.
- By 6:24 PM there were approximately one hundred people.
- Observers of the crowd noticed that several individuals were openly carrying firearms and at least one person was wearing a gas mask and body armor.

Prior to the protest, CPD had the street department place barricades near the site in case vehicular traffic needed to be blocked for the safety of the protesters.

- At 6:54 PM, plain-clothes officers observing the crowd indicated that the streets needed to be blocked for the safety of the protesters. The barricades were set up to stop vehicular traffic at Tuscarawas St and Market Avenue.
- By 6:55 PM there were approximately two hundred protesters.
- 6:59 PM – the protesters began to march.
- Until approximately 8:22 PM, protesters marched in a circle around the main streets in the city (Market Avenue, 12th Street, McKinley Avenue, Tuscarawas Street...etc). During this time, the protesters were chanting and blocking all lanes of traffic. At major intersections, the protesters would kneel and block the intersection.

The police strategy during this march was to block intersections to reduce vehicular traffic for the safety of the protesters, but not to interfere with the march. When contacting uniformed officers, many protesters used foul language and some of the chants from the crowd were derogatory and profane, directed at the police. This was confirmed in video evidence along with dispatch notes from 7:47 PM.

- At 7:49 PM, due to the focus of the protesters on uniformed officers, the Chief ordered all marked units to remain clear of the crowd, utilizing unmarked cars and plain-clothes officers for traffic control.

While the plain-clothes officers redirected vehicle traffic away from the crowd, several marked cruisers with uniformed officers staged blocks away to the west of downtown in case they were needed. A few marked units were used to redirect traffic from a distance, not engaging the protesters.

- When they were southbound on McKinley Avenue (around 8:00 PM), protesters walked onto the private property as well as through several private yards.
- By 8:10 PM, the size of the crowd was estimated at over three hundred and fifty.

Continued Marching

At approximately 8:22 PM, the crowd returned to the downtown area and Central Plaza. Organizers of the protest, who had been leading the march, spoke on a bullhorn to the crowd. When it became dark, some of the protesters began to act more aggressively.

- 8:43 PM – protestors started moving north on Market Avenue. Some of the protesters began breaking from the group, but the crowd was still estimated to be over three hundred.
- 9:01 PM – Surveillance officers reported that some in the crowd were getting aggressive with vehicles along the path of the march and that one of the subjects openly carrying a firearm was chasing unmarked police vehicles between 4th and 6th Streets on Market Avenue N.
- 9:22 PM – one of the protesters (a white female with gray pants) activated a smoke bomb in the crowd.
- 9:23 PM – A large group (between 100 and 200) broke from the rest of the crowd and began marching westbound on 12th Street.

Officers close to the crowd reported that the group was moving less predictably at this point. When the group broke off, several cars were following and intermingled with the crowd. The rest of the crowd followed, but the group was less connected and stretched for a much longer distance than before.

- 9:26 PM – Officers assisting with blocking intersections report that the protestors had become more “amped up” after dark.
- At 9:27 PM, dispatch notes indicate that the protesters are “starting to throw items now.” A plain-clothes officer reported that every time he activated his lights to help with traffic, his vehicle was targeted by protesters.
- Plain-clothes officers blocking traffic at the intersection at 12th Street and McKinley Avenue were chased by protesters who threw bottles at their vehicle. At 9:29 PM, video from the intersection shows protesters chasing the officers south on McKinley and throwing objects, and at 9:31 PM, dispatch notes indicate that a protester is throwing things at 10th St NW and McKinley Avenue NW.

The throwing of objects at officers was a significant departure from the actions of the initial protest. While the chants and language were sometimes disparaging and profane, the actions of the protesters during the daylight hours were peaceful (with the exception of aggressive shouting at uniformed officers). No property damage or violence had been observed or reported and the police had been able to assist with traffic control from a distance without engaging with the crowd. The plain-clothes officers reported that the crowd that had broken off was running after them every time they stopped and that

“bottles and other objects” were being thrown. Along with the change in demeanor, the lagging portion of the crowd began to catch up to the rest of the group. The group was soon concentrated at 12th Street NW and McKinley Avenue NW and moving west. At this point, according to officers on the scene, there were an estimated seventy-five cars involved in the protest circling the area and driving along with the crowd. Several cars were parking in the Walgreen’s parking lot and more were driving the wrong-way on Cleveland Avenue NW to get around approximately thirty cars backed-up on McKinley Avenue.

SWAT Response

SWAT had been staged near 12th Street and Cherry Avenue NE. When officers called for assistance at 11th Street NW and McKinley Avenue NW, the Chief ordered SWAT to start moving in that direction and for marked units that were staging to the west to move in behind SWAT. A description was broadcast of an instigator who was running in and out of the crowd throwing items at officers. The officers on McKinley Avenue reported that the instigator was headed toward them near Dumont’s. Two cruisers approaching from the west were able to get through to McKinley, but the remaining vehicles were stopped by the crowd and stuck between Shorb Avenue and Worley Avenue NW. Officers who were unable to continue eastbound called out that they were being surrounded and requested SWAT assistance. SWAT reported being at 12th Street NW and McKinley Avenue NW at 9:31 PM and continued toward the officers requesting help, but they were unable to get through the crowd near Worley Avenue NW. The protesters had blocked all lanes of travel on 12th Street NW and a line of cars blocked the westbound lane and were backed up into McKinley Avenue. Upon the approach to assist the officers, the SWAT vehicles had to use the eastbound lane to attempt to get around the line of vehicles.

9:31 PM – SWAT reported that the crowd was forming in front of their vehicles preventing them from getting to officers. The SWAT Commander ordered officers to exit their vehicles.

- Upon dismounting from the vehicle, several SWAT officers reported being struck by projectiles.

Customarily in all SWAT activations, the team doctor and the team medic (both civilians) are part of the operation. The team medic was the driver of the lead vehicle. His account is as follows:

- SWAT was kept away from the protest for several hours while the protest was peaceful.
- SWAT was only sent toward the crowd after officers called for assistance and reported that objects were being thrown.
- When he approached 12th Street and McKinley Avenue NW, he was driving the lead vehicle in a linear procession with the SWAT Commander in the passenger seat. Around Worley Avenue NW, he encountered a crowd of “greater than 200 people” congregated who refused to move and he had to stop the vehicle.
- He could see the emergency lights of police vehicles to the west within the crowd, but could not get to them.
- When he stopped, he could hear objects hitting the sides of the vehicle. Because it is an armored vehicle, he said it was difficult to know what size or material the objects were hitting the sides.
- A red brick struck the front of the vehicle, near the windshield.

- The SWAT Commander made at least six announcements over the PA for protesters to disperse so they could get to the officers asking for assistance. The response from the crowd was to lock arms across the street in front of the vehicle.
- When officers exited the vehicle, the crowd pressed in closer. He described the crowd as being “more upset” when they approached officers.
- With the back doors open, he could hear officers yelling “stay back”.
- At some point, SWAT officers started handing large rocks back into the vehicle that had been thrown at them.

The team doctor remained in the back of the vehicle and corroborated the account of the team medic and officers. His account is as follows:

- He reported that he heard the sound of the truck being struck by something.
- 40-50 protesters directly in front of the SWAT vehicle prevented the truck from moving forward to the officers requesting assistance.
- Once the SWAT officers exited the vehicle, the crowd approached, closed in, and were very aggressive. He said some of them were running and he felt like they, “stormed from every direction.”
- Protesters aggressively shouted in the SWAT officers’ faces.
- He heard the SWAT truck getting struck by a projectile then officers started handing him things that were being thrown at them so that they could not be used again. He described these as “cement chunks” and “jagged concrete.”
- He worried for the officers’ safety and was prepared to treat injuries, but the officers kept handing off the rocks and going back out to their team.

This was a crucial point and possibly the most critical decision made during the protests. At 9:36 PM, the SWAT Commander requested permission from the Chief to use chemical agents to disperse the crowd. The SWAT Commander’s initial PA announcements were for the crowd in front of the vehicle to move to the sidewalk so that the team would be able to continue to the other officers. When the protesters refused and officers exited, the SWAT Commander’s announcements changed to a general order of “disperse” and warnings that chemical agents may be used. A large group of protesters engaged the SWAT officers on the south-side of the truck while the majority of the crowd was still in front of and west of SWAT. Officers inside the truck tried to stop protesters from surrounding the team by using pepper spray to prevent them from walking around the north side of the truck toward the officers in the back of the truck.

- The Chief advised the SWAT Commander to make more announcements for individuals to disperse and report if that made a difference.
- The SWAT Commander replied that after the first announcements to disperse were made, the protesters started locking arms across the street to prevent police personnel from moving.
- The Chief continued to ask questions about the crowd.
- The SWAT Commander advised that he had made several more announcements and there was no change in the crowd.
- The SWAT Commander advised again that they were being surrounded.
- The Chief gave the order at 9:40 PM to use chemical agents to disperse the crowd.

The team medic described the first deployment of chemical agent in this way:

- After the first deployment, the crowd thinned some, but it did not solve the problem. Several protesters were still blocking the roadway and they became more agitated and aggressive.
- He attempted to move the vehicle forward, but the crowd again stopped his progress. At that time, he personally observed people throwing rocks, where previously he had only heard the impacts of projectiles and observed the red brick strike near the windshield.
- He described seeing someone from his left in a yard throwing rocks.

The protesters regrouped and announced that they were going to the police department. Most of the marked units along with SWAT responded to the downtown area and dispersed multiple small groups. The largest remaining group returned to Central Plaza. Officers made several announcements again and used chemical agents to disperse the crowd. The group fled to the area near 2nd Street NE and Walnut Avenue NE. Officers following were struck by several rocks as evidenced by video accounts and then multiple gunshots were heard east of their location. Officers retreated toward Central Plaza and protesters followed. Again, chemical agents were used to disperse the group.

Once the first chemical agents were used and the crowd began to thin, several of the individuals throwing rocks could be seen. Six foam baton rounds were deployed directly at individuals throwing rocks. Foam Baton Round is most commonly used as a crowd management tool. It is non-lethal, bullet-shaped, with a foam rubber nose and a high-density, plastic projectile body. The Foam Baton rounds also contained OC (pepper spray) and CS (cesium) gas. At that time, six direct-impact foam baton rounds were fired directly at those individuals who were in yards and beyond the crowd, but none were struck. The SWAT team used chemical agents and were able to slowly disperse the crowd. Even though no one was struck, according to the SWAT Commander, the tactic temporarily deterred some of the rock-throwing. No rubber bullets or pellets were discharged into the crowd.

More small groups were encountered throughout downtown described as numbering from 10 to 30, most notably at 6th Street and Market Avenue N and the parking lot of the public library. I viewed videos via body-worn cameras and social media live feed in which rocks could be heard striking shields and vehicles. Multiple protesters could be heard in videos verifying that rocks were being thrown at officers. In fact, in one video, Levi Hunter (the leader of the protest) can be heard saying, "I told them to stop doing that." One live stream video from that night featured a man bragging about how mad the officers were when he was throwing things at them. Officers continued to address these groups until nearly 11:00 PM.

Decontamination/Injuries

Medics were staged close at two (2) locations during the entire protest, as is customary in any event with a large crowd, for possible decontamination purposes. The first location was near Kempthorn on Cleveland Ave. and another ambulance was set up at 9th Street NW and McKinley Avenue NW. Immediately following the deployment of chemical agents, the Chief asked to have the medics moved closer to the crowd to help with decontamination of protesters who were affected by the pepper spray/chemical agents. At that time, units from OSHP and the SO also responded to help with dispersing the crowd. The crowd moved in different directions and some who refused to disperse were arrested. A Supervisor of the Canton Police Department called for marked cars to help clear the Walgreen's

parking lot to set up a decontamination area there. With medics on scene to treat anyone with injuries, no one reported an injury from being struck with a rubber bullet or other impact weapon and those in need of decontamination from the chemical agents were quickly treated.

Property Damage

Minor property damage was incurred around the downtown area on May 29. The windows of the "Be a Better Me" van were broken. Windows of the downtown location of Stark State College, Rite Aid drug store, the "Granger" building at the corner of 2nd St and Market Ave were broken, as well as a string of lights hanging on the corner of 3rd St and Cleveland Ave NW were pulled down during the course of the protest.

Controlling Policies

The following are Canton Police Department regulations concerning the use of chemical agents:

308.6 – Approved chemical munitions may be used for crowd control, crowd dispersal or against barricaded subjects based on the circumstances. Only the shift commander, incident commander or SWAT commander may authorize the delivery and use of chemical munitions and only after evaluating all conditions known at the time and determining such force reasonably appears justified and necessary. When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of chemical munitions to assist in providing medical aid or evacuation if needed.

308.7 – As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in or are about to engage in violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably present a risk to the safety of officers or the public.

- OC spray was deployed in several circumstances on May 29. In some cases, the use was to assist with dispersing the crowd. OC spray was also used when officers inside the SWAT truck were trying to prevent protesters from going around the truck towards the team at the back. This was done to avoid being completely surrounded. At the time of its use, the protest had ceased to be peaceful and individuals presented a clear risk to the safety of officers and the public. Therefore, the restriction against its use listed in the final line of the paragraph above does not apply.

308.9.1 – (in part, with regard to the foam batons)...Circumstances appropriate for deployment include, but are not limited to, situations in which:

- a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- b) The suspect has made credible threats to harm himself/herself or others.
- c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.

- d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

Applicable Ohio Law and Arrests

There are a number of applicable state laws relevant to the acts that took place on May 29. These state laws range from misdemeanors to felonies with which individuals in protest situations could be charged. The individuals arrested on May 29 were charged with the lowest of the charges, i.e. ORC 2917.04(A) Failure to disperse and ORC 2917.11(A) (4) Disorderly conduct. Total arrests (disorderly conduct and failure to disperse) related to the May 29 protests: 13 (10 by Canton Police Department (CPD) uniformed officers or SWAT, 2 by FBI Task Force Officers, 1 by Stark County Sheriff's Office (SO.) The SO arrest had additional charges and one of CPD arrests had warrants. The person the Sheriff's Office arrested was charged with Failure to Disperse, Disorderly Conduct, Carrying a Concealed Weapon and Possession of a Controlled Substance.

The Protesters

In order to have a more comprehensive view of the events on May 29, letters were sent to fifteen (15) individuals who were either arrested on the night of May 29 or attended Council meetings to express their concerns regarding the events of May 29. Responses were received from six (6) individuals via emails, in-person meetings and telephone calls. Some provided videos to help give their perspectives, which provided an additional three hours of media for me to review. The videos which were provided, which were mainly clips and not full, raw footage, illustrated what appears to be a mostly peaceful protest.

The videos which were provided gave me better perspective than I had before on the surrounding of officers on 12th Street NW. Prior to viewing these videos, I was reliant on body-worn cameras from officers, much of which while sitting in their vehicles. The social media videos showed the aggressiveness of the protesters. They surrounded cruisers, shouted vulgarities at officers and blocked their cruisers in so that they could not move. It was valuable to be able to see, from the crowd perspective, why the officers called for assistance, which led to the movement of the SWAT team toward their location. The videos also gave a good street-level view of protesters blocking the path of the SWAT trucks attempting to get to the officers asking for assistance and provided clear evidence that multiple warnings were broadcast to the crowd about dispersing.

None of the video provided by the protesters showed the moment the officers were chased and had objects thrown at them, which is an important point as it relates to their perspective. The size of the crowd and the distance the protest covered made it impossible for someone at the back end to know what was happening at the front end (and vice versa). More aggressive protesters at the front of the crowd led to a response from the police and many in the crowd reacted negatively to the police presence without understanding their purpose. Once the marked units were trapped and calling for assistance, even peaceful protesters failed to obey the lawful order of the police and continued blocking their path. The fact that officers were surrounded and trapped in their vehicles by people expressing their anger at police in general while some protesters were openly carrying firearms, had the potential to be as great (or possibly a greater) threat to officers than the throwing of projectiles.

In the previous paragraphs, I have explained that the video evidence strengthens my view that the use of chemical agents to disperse the crowd on 12th Street NW on May 29 was within policy. There were individual actions by officers, however, brought to my attention by those I spoke with and that I was able to see on some videos in the downtown area later in the night, that were called into question. In some, I saw individuals who appeared to be walking away from officers or complying with orders who were sprayed with pepper spray. If the video evidence is an accurate depiction, these actions would be a violation of Policy 308.7, which reads, "...OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably present a risk to the safety of officers or the public." I understand that there were protesters who were circling the downtown area and regrouping. Some of them were assaulting officers with rocks and many were arrested. The videos I viewed, by themselves, do not indicate that the individuals sprayed posed a threat to officers. I instructed those who expressed a concern of officer misconduct to file a formal complaint with the Office of Professional Services (OPS). To that same end, I am requesting Chief Angelo to investigate all instances captured on video of individuals who appeared to be complying with police orders but were still subject to OC pepper spray. To date, no complaints have been filed with the OPS regarding the events of May 29.

Conclusions

Although I have thoroughly reviewed records and videos of (and witnessed) events of May 29, I feel it is important to focus primarily on the use of chemical agents, which was the most crucial issue in the police response.

Describing the events of May 29 in chronological order is necessary, but detailing these events in writing is no substitute for personally witnessing them unfold. I heard the anxiety in officers' voices while listening to the radio traffic, watched the crowd around them and their vehicles on a live camera feed, and heard them call for assistance while those sent to help them were blocked by protesters. The Chief was not only monitoring the situation, he was directing operations over the radio. He was faced with the following information during the course of the protest:

- His officers were greatly outnumbered.
- The crowd was surrounding his officers, chanting anti-police language.
- After it turned dark, the protesters had become aggressive and were throwing things at the officers and vehicles.
- Officers responding to assist other officers were unable to get to them because several protesters locked arms in the street preventing their movement.
- Several protesters were openly carrying firearms.
- Officers gave multiple orders for protesters to clear the street and those orders were ignored.

In preparation for the protest, the Chief activated the SWAT team, held officers over for extra manpower, coordinated with other law enforcement leaders and hoped for the best outcome. However, he could not ignore the fact that several protests around the country had become violent, nor could he ignore the information received through tips and social media that there was a potential for violence in Canton. Before giving authorization for chemical agents to be used, he communicated with officers on the street to make sure they were wearing helmets and told the SWAT commander to continue to give warnings to the crowd about the use of chemical agents.

Although the CPD had more powerful chemical agents available, the type they deployed was not incendiary. Unlike tear gas deployments seen in many other cities, they did not create large, thick clouds of smoke that indiscriminately carry the agent across large areas. Instead, they used aerosol canisters that give off short bursts of gas affecting only small areas that dissipate quickly and which are designed for minimal exposure when used outdoors. These gas munitions are approved per CPD policy 308. Protesters in the immediate vicinity who refused to leave were affected, but taking several steps away from the canister would allow them to escape the vapors.

According to the SWAT Commander's report, the frequent re-grouping of protesters was due, at least in some part, to the lack of effectiveness of the chemical agents used. Based on his observations, protesters were stepping away from the small area of gas created by the canister and then approaching officers aggressively. According to an interview with the team doctor, he observed some of the canisters being thrown by officers past the group into an opening so that fewer civilians were affected. SWAT officers had to rely on pepper spray with those individuals who were not deterred by the canisters and continued to aggressively approach officers. According to the team medic, it was the first time in his time with the team – including the service of several high-risk search and arrest warrants, response to barricaded subjects and other critical incidents – that he was in fear that he and officers were going to be harmed.

There were some in the community who have accused CPD of firing rubber bullets into the crowd. According to the report of the SWAT Commander, the SWAT team did not deploy rubber bullets, rubber pellets or "stingers" which could be used to target large groups.

While it is unfortunate that many who came to peacefully protest were exposed to chemical agents, the deployment of those agents was reasonable based on what the officers were facing. Warnings were clearly given to disperse before chemical agents were used; the warnings are corroborated by a letter from State Representative Thomas West who lives nearby. His letter reads, in part, "...several neighbors and I heard officers repeatedly warn demonstrators to disperse and continue to make their voices heard safely on the sidewalk." Representative West captured my personal feelings exactly when he wrote, "I wish that more people had heeded those warnings when they were issued..."

Several protesters who spoke at City Council stated that they felt that they were unnecessarily sprayed with chemical agents and/or arrested, and that their arrests involved the use of more force than they believed necessary. As I have described, the protest was not, in all places and at all times, the peaceful protest that some persons have described. Individual protestors who were present but not physically acting out may have been sprayed by chemical agents. The use and effect of chemical agents cannot be precisely targeted. All persons in the area were given the orders to disperse and if one did not disperse, that person may have been incidentally sprayed by chemical agents. Use of chemical agents was reasonable under the circumstances and within policy, as I found above; the effect was minimal in nature; there were medics available to assist; and no injuries were reported.

During the course of my investigation, I have been approached by several citizens concerning the actions of officers regarding arrests at the protest. From my review of the arrests, they do not appear to be racially motivated. Of the 13 arrests made, there were four (4) African-American males, one (1) African American female, seven (7) Caucasian males and one (1) Caucasian female.

This event was unfortunate for Canton and for those who came to have their voices heard. It was also challenging for the police department, as officers found themselves in a quickly evolving, unpredictable situation that we have not seen in our Canton streets. The potential for the protesters to overwhelm the police resources available and cause damage and violence was such a real concern for the Chief that he issued an emergency request to all off-duty officers at 9:49 PM: "Need units ASAP to respond to HQ for a riot in downtown." This message shows the sense of urgency of the moment and is unlike any request ever sent over the emergency system. After a thorough evaluation, I find that the actions by the CPD in using chemical agents were reasonable under the circumstances and within policy.

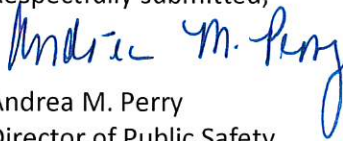
Recommendations

1. The Canton SWAT Cooperative consists of officers from various departments and officers responded to assist CPD from the Stark County Sheriff's Office and the Ohio State Highway Patrol. In my review of videos, I found it difficult to differentiate between officers of different agencies. I recommend that each department place identifiable markings, i.e. badges, patches and the like, on their uniforms.
2. I did observe several instances regarding the manner in which members of the public were addressed after officers had maintained self-control for hours. While tensions were running high, it is still the responsibility of the officer to de-escalate a situation and to always exemplify professionalism, even in the face of aggressive behavior and language. I recommend additional training regarding courtesy to the public and de-escalation techniques. There is always room for improvement in any organization.
3. As stated previously, the Chief was not certain of how the events of the protest would unfold. Information had been forwarded to him from different agencies alluding to potential harm to officers. He also took into consideration what was happening around the country after the death of George Floyd. He decided to utilize all of the police vehicles within his discretion. This included the use of the Mine- Resistant Ambush Protected (MRAP) vehicle. Once officer safety became an issue, all vehicles to include the MRAP were used in the process of maintaining order. Several citizens voiced their concerns and stated that this gave a "militaristic" view of the Police Department. In hindsight, a lesson has been learned regarding how the use of the MRAP looked to the community. The Chief has changed the policy to include the following: "The MRAP vehicle shall not be utilized in routine SWAT operations or in any situation involving social or civil disobedience unless there is credible information to believe that officers could be confronted by armed perpetrators."
4. CPD officers who do not have a SWAT assignment have not been trained in crowd-control techniques for approximately ten years. Canton has not had civil unrest protests in recent memory such as what we observed on May 29. I recommended that all uniformed personnel receive field training as it relates to crowd control and civil unrest.
5. SWAT is a multi- jurisdictional cooperative. It is imperative that individuals who participate in SWAT act in one accord to include the manner of treatment of the public. I recommend that all departments that participate in SWAT enforce consistent standard policies regarding de-escalation, implicit bias, and courtesy to the public.
6. Some officers on duty on May 29 did not have body cameras. Officers on SWAT and other special unit officers were not required to wear body cameras. This incident is a clear example of a situation that requires the best evidence available from every perspective in order to observe what officers faced and how they reacted in real time. Canton is in the process of purchasing

130 state of the art body-worn cameras to replace our older cameras. I recommend that all officers who interface with the public (except undercover) be equipped with a body camera; this does not apply to administrative staff unless on a street assignment.

7. The use of chemical agents was directed by the Chief. However, during my investigation, it was determined that oleoresin capsicum (OC) spray, otherwise known as pepper spray, was not the only chemical agent deployed. Cesium (CS) gas was also administered. The use of CS gas is permissible per policy number 308.6. While CS is an allowable chemical agent, it was initially believed that only OC was used. OC was utilized first and the CS was utilized second after all of the OC was used. My recommendation is for the Chief to investigate the type of chemical agents used and take corrective action as necessary.
8. I recommend that Chief Angelo investigate all instances captured on video of individuals who appeared to be complying with police orders but were still subject to OC pepper spray.

Respectfully submitted,


Andrea M. Perry
Director of Public Safety